

# EXHIBIT A

**White Consolidated Industries, Inc.**  
18013 Cleveland Parkway - Suite 100 -- P.O. Box 35920  
Cleveland, Ohio 44135-0920  
Phone: (216) 898-1800  
Fax: (216) 898-2340

H.E. Buckles  
(216) 898-2352  
ed.buckles@electrolux.com

June 19, 2001

Ms. Valery V. Ceasar  
Senior Compliance Officer  
U.S. Consumer Product Safety Commission  
Office of Compliance  
4330 East West Highway  
Bethesda, MD 20814-4408

**Re: Epidemiologic Investigation Report 980716CCC6909**

Dear Ms. Ceasar:

In January of 1999 we received the above captioned EIR and I responded that the incident was in litigation, therefor I could not comment further. For your convenience I am enclosing a copy of the report.

On June 9, 2001 we reached an agreement with plaintiff's to resolve this matter by settlement. In keeping with the terms of the settlement and our reporting obligations, I am submitting this report in the format of a 15(b) Substantial Product Hazard Report, however, White Consolidated Industries, Inc. (WCI) specifically denies that the product is defective, that a substantial product hazard exists and that an undue risk of injury exists.

**1. Person Reporting:**

H. E. Buckles  
Senior Associate General Counsel  
White Consolidated Industries, Inc.  
P. O. Box 35820  
Cleveland, Ohio 44135-0920

**2. Manufacturer:**

Electrolux Home Products (formerly Frigidaire)  
Webster City, IA

19

Ms. Valery V. Ceasar  
June 19, 2001  
Page 2

3. Product Identification:

The specific product involved is a Frigidaire MWX233RES1 top loading washing machine. However, the design complained of, a lid locking system that allows the washer to agitate with the lid open but lock during the spin cycle, is universal on all of our top loading designs since approximately 1988. A similar design is on competitors' models, which allow lid-open agitation, but also allow access as the unit slows to a stop during the spin cycle.

Some WCI models prior to 1988 had both an agitation shut off feature and a locking mechanism during the spin cycle; however, this was redesigned to allow for the unit to agitate with the lid open due to consumer preference and no perceived hazard.

4. Compliance:


The product complies with UL 2157. In February 1998 the hazard of entanglement in washers was addressed by a joint meeting of manufacturers, UL and the CPSC. At that time, the WCI design was endorsed by the participants because it exceeded the standards established by UL 2157 as it provides positive protection during the spin cycle (the perceived hazardous operation) and provides a fail safe feature in that should the locking mechanism fail, it would fail in the locked position.

5. Injury:

①  
On June 21, 1998, a nine-year-old child, Amber Newcomb, was sent to the laundry room to add towels to a load of laundry already in process. According to Ms. Newcomb, in her recent deposition, she opened the lid and added the towels. They did not appear to be being drawn into the load and she began to push them down with her hand. She has, according to her testimony, no specific memory after that point. When found she was sitting on top of the washer with both feet in the tub, her right arm was entangled in a towel and damaged so severely that it was subsequently amputated. We had, until this recent deposition, been unable to obtain any undisputed facts on the accident due to the eccentricities of Oregon litigation. Unfortunately, because of the trauma of the accident or because of the medications that the child was on due to an ADD condition and some behavior control problems or some combination of those factors, even Ms. Newcomb's account leaves many details open. However, it does appear clear that in some circumstances an injury can occur.

② ??  
There has been a second reported injury which occurred on May 21, 1999 involving an adult who claims to have had her arm broken in a washer. In one account, it was during the spin cycle and in another account it was during the agitation cycle. Again this is in litigation and is being vigorously defended.

Ms. Newcomb's legal counsel has indicated that they know of other incidents; however, these have never been provided to us.



Ms. Valery V. Ceasar  
June 19, 2001  
Page 3

6. Notice:

Our first notice of any incident involving injury during agitation cycle was a letter from Ms. Newcomb's counsel in July 1998. We were unable to confirm any details until Ms. Newcomb's recent deposition.

The second notice of injury was in November 1999 when we were advised that the injured party became entangled during the spin cycle. The lawsuit filed in August 2000 did not provide details. It appears that plaintiff will testify, although her deposition has not been taken, that she was injured in the agitation cycle.

7. Number of units:

All of our 28", 24", and 27" top load washers and all our 24" and 27" laundry centers produced at our Webster City facility since 1979 have had the open agitation feature. This amounts to approximately 10 million units.

8. Dates of Manufacture:

First date of manufacture was approximately 22 years ago. We are currently redesigning the units to provide the cut off during agitation and the positive lock during spin. We expect to have that product in production by October of this year.

9. Location of Product:

For all practical purposes all product is in homes.

10. Changes:

The product as currently manufactured meets all applicable codes and, except for the positive spin locking mechanism, is similar to other models by other manufacturers in the market.

If a person should become entangled, the "off" button is located on the console of the machine and need only be pushed in to stop the machine immediately.

The instructions that accompany the machine warn parents to supervise and train their children to operate appliances. Ms. Newcomb and her parents differ in their accounts of whether the child was shown how to properly use the machine. Ms. Newcomb says she was not told anything. In spite of other problems noted above, the child was not being supervised around the machine.

21

Ms. Valery V. Ceasar  
June 19, 2001  
Page 4.

However, as indicated above, we are currently life testing a design change and ordering parts from suppliers to effect a design change that allows both the safest design on the market for protection during the spin cycle and the cut off during agitation to function without interference with each other and which will not be easily by-passed. We expect to be in production with the new design in October.

Further, should either the Commission or UL seek a change to UL 2157 requiring a shut off with the lid open during agitation applicable to all manufacturers, we would obviously support such a change.

11. Public Notice:

No public notice is contemplated. Our unit is safer than many other units on the market. One manufacturer has, within the last few years, begun to lock the lid on their units during all cycles, but we understand that that is due to concerns with an aggressive agitation cycle that splashes water out on to the floor and is not related to any entanglement issues.

There has been, to our knowledge, only the one verified incident in twenty years (two, if the second incident noted above is verified). If one assumes that half of the 10 million produced are operating in any one year, and if each is used five times a week, fifty weeks a year, that results in approximately 20 billion uses in 20 years with one (perhaps two) incidents. This statistic relates only to our units; if one would factor in the similarly operating washers of other manufacturers, the incident rate is, we believe, even smaller.

12. Repair/retro-fit:

None contemplated.

13. Marketing:

Units have been and are being sold through a variety of independent retail outlets including large national chains.

22✓

Ms. Valery V. Ceasar  
June 19, 2001  
Page 5

As previously noted, WCI does not believe this incident raises any issue of substantial product hazard or undue risk of harm. We consider the information herein provided to be proprietary and ask that it be treated as such.

We are taking no further action at this time. If you have questions, please feel free to contact me.

Very truly yours,

A handwritten signature in cursive script, appearing to read "H. E. Buckles".

H. E. Buckles  
Senior Associate General Counsel

HEB/mef  
Attach.

A handwritten mark in the bottom right corner, resembling a stylized "29" or a signature.



18013 CLEVELAND PARKWAY - SUITE 100  
P.O. Box 35920  
CLEVELAND, OHIO 44135-0920  
TELEPHONE (216) 898-1800  
FAX (216) 898-2340

H.E. Buckles  
Senior Associate General Counsel  
(216) 898-2352

ed.buckles@electrolux.com

October 31, 2001

Ms. Judith Hays  
U.S. Consumer Products Safety Commission  
4330 East West Highway, 6<sup>th</sup> Floor  
Bethesda, MD 20814-4408

Re: **Epidemiological Report 980716CCC6909**  
**Amber Newcomb**

Dear Ms Hays:

I understand that you are undertaking an investigation of this incident and I recently sent you a copy of our 15(b) report.

I have become aware that on October 16, 2001 counsel for the Newcomb's conducted a press conference from their office in Portland, Oregon.

The report I have read contains several allegations that are patently wrong and, while would have been subject to challenge in a court, are simply fuel to fire emotions without basis in fact.

~~For example, the allegation is made that White Consolidated Industries removed a safety switch for economic reasons. The switch change over came about over ten years ago when we acquired a brand that had a switch much like the current standard in the industry (a braking mechanism instead of our positive lock during spin). We converted that lock to the standard that we have used for over ten years and which exceeds all current standards. It is also the mechanism that several years ago was tentatively endorsed by the Commission and UL as the best on the market. There was no evidence that this change was made for economic reasons.~~

~~Further, the impression that our re-design, that we are currently testing, was undertaken only because the Newcombs or their counsel insisted is also wrong. The agreement we signed with the Newcombs simply reflected the timetable for the re-design that we had already independently established and undertaken prior to the settlement. That timetable has slipped slightly because testing of the new design indicates that it fails to meet our reliability standards. We still hope to have the new design in the marketplace before year-end, depending in large measure on our supplier's ability to deliver reliable components.~~

3


Ms. Judith Hays  
U.S. Consumer Products Safety Commission  
October 31, 2001  
Page 2

Our current design, which locks the unit during the spin cycle, remains the safest product in the market, but because we believe that, with time and effort, we can improve that safety we continue our re-design efforts.

If you have questions, please contact me at your convenience. We believe that rational discourse and not one-sided news conferences will result in good decisions.

Very truly yours,



H. E. Buckles 

HEB/mef

4